

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-29128 - REQUIRED REVIEW - PUBLIC HEARING -
OWNER: GHASSAN MEHRI - APPLICANT: BILLY MACS AUTO REPAIR, INC

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-4195) and all other related actions as required by the Planning and Development Department and Department of Public Works.
2. This Special Use Permit (SUP-4195) shall be subject to a one-year (1) review at a public hearing.
3. The applicant shall be required to pay the City of Las Vegas for costs of the review pursuant to the adopted fee resolution.
4. The applicant will install the temporary barricades along the north boundary of the site to prevent vehicular cross-access to the undeveloped lot north of the site within 30 days and maintain them on an ongoing basis.

** STAFF REPORT **

PROJECT DESCRIPTION

This application is for a 30-day required review stemming from the conditional approval of a previous Required Review (RQR-28310) of an approved Special Use Permit (SUP- 4195). The applicant is seeking approval to maintain the entitlement for an existing Auto Repair Garage (Minor) at 2027 North Decatur Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/16/04	The City Council approved a Special Use Permit (SUP-4195) for an existing Auto Repair Garage (Minor) at 2027 North Decatur Boulevard, subject to a review.
09/07/05	The City Council approved a Rezoning (ZON-7051) of the north portion of this site from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) and a related request for a Site Development Plan Review (SDR-6940) for a proposed 12,776 square-foot commercial development and waivers of the parking lot, foundation, and perimeter landscaping requirements at 2027 North Decatur Boulevard, subject to a review.
07/02/08	The City Council approved a Required Review (RQR-28310) for an existing Auto Repair Garage (Minor) at 2027 North Decatur Boulevard subject to a 30-day Required Review.
<i>Related Building Permits/Business Licenses</i>	
08/22/96	Business license #G02-00663 was issued for a Garage - Minor Auto Repair. This license was reclassified from #G03-02187 on 03/08/04, thus requiring a Special Use Permit. The final approval for #G02-00663 was issued on 10/19/04.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application request, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application request, nor was one held.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.46 acres

Field Check	
07/23/08	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> • The parking lot still has inoperable vehicles parked three-deep in the required parking area. • Landscaping and trash enclosure have been installed in the designated areas. • The temporary barricades on the north of the property have been moved allowing cross-access from the vacant lot to the north. • The repair work was occurring inside of the garage but some vehicles were queued outside of the garage bay.

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Repair Garage	S-C (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped	S-C (Service Commercial)	C-1 (Limited Commercial)
South	Commercial Shopping Center	S-C (Service Commercial)	C-1 (Limited Commercial)
East	Commercial Retail	S-C (Service Commercial)	C-1 (Limited Commercial)
West	Office	S-C (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The applicant has been operating an existing Auto Repair Garage (Minor) at 2027 North Decatur Boulevard under the approved Special Use Permit (SUP-4195) since 10/19/04, the date the temporary business license was made final. The existing location had previously operated under a legal, non-conforming Auto Repair Garage (Major) prior to a reclassification of the licensing category. A Special Use Permit was required during this transition and was approved on

06/16/04, subject to a required review. The site is not in full compliance with the plans approved under the original Special Use Permit. Listed below are the conditions of approval required of

Special Use Permit (SUP-4195). Specifically, the continuation of the use at this location will require the applicant to remove all disabled vehicles located within the off-street parking area and to reinstall the temporary barricades at the north end of the site.

Conditions of Approval of Special Use Permit SUP-4195:

1. Proposed perimeter landscape planters shall be installed within 90 days from the date of approval.
2. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
3. The existing outside storage yard shall not be expanded.
4. Provision of a trash enclosure as required by Title 19.08.045.
5. All repair and service work shall be performed within a completely enclosed building.
6. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
7. All disabled vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets. Vehicles shall not be stored on the property longer than 45 days.
8. There shall be no sales of cars on this site.
9. There shall be no testing or driving of customer vehicles on adjacent residential streets.
10. The applicant will install temporary barricades along the north boundary of the site to prevent vehicular short cutting through the lands to the north of the site.
11. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
12. This Special Use Permit shall be subject to a one year review at a public hearing.
13. All City Code requirements and design standards of all City departments must be satisfied.

14. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards prior to the issuance of any permits for this site.

FINDINGS

Since the approval of the Special Use Permit (SUP-4195) in 2004 there have been no citations issued by Code Enforcement for code violations related to the operation of this Special Use Permit at this location. One Code Violation has been issued against this address, but it was for an illegal off-premise sign installed by the business operators across the street and was not authorized by the applicant.

In regard to the conditional approval for the Special Use Permit (SUP-4195) and the recent Required Review (RQR-28310), the subject site still has inoperable cars located within the parking lot and does not have the temporary barricades to prevent cross-access at the north property line in place. The applicant understands the current requirements and obligations to maintain the entitlement for the Auto Repair Garage (Minor) use and has agreed to future meetings with staff on the necessary actions to redesigning the site layout. The applicant is aware that failure to remove the disabled vehicles will subject him to Code Enforcement citations and may require cessation of the Auto Repair Garage (Minor) use.

In the thirty days since approval of the last Required Review (RQR-28310), the applicant has moved a notable amount of the inoperable vehicles from the parking lot. Despite using concrete barricades that were staked down with half-inch steel rebar, the applicant has been unsuccessful in preventing cross-access from the undeveloped lot to the north. However, the parking lot is still not entirely clear and the site circulation remains impeded. The temporary barricades at the north of the site will need to be reinstalled and maintained on an on-going basis. Staff is recommending denial of this required review. If approved, an additional review is proposed to be in one year to ensure the applicant has complied with all conditions as required by Special Use Permit (SUP-4195).

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	572 by Planning Department
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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